

**APPROVED 11/09/09**  
**TOWN OF NORTH HAVEN, CONNECTICUT**  
**MINUTES OF THE**  
**PLANNING & ZONING COMMISSION**

Minutes of the Planning & Zoning Commission meeting held on Monday, October 5, 2009 at the Mildred A. Wakeley Community and Recreation Center, 7 Linsley Street, in Room #2 at 7:00 PM.

**MEMBERS PRESENT:**

James J. Giulietti, Vice Chairman  
Douglas E. Roberts, Secretary  
Vern E. Carlson  
Brian Cummings  
William D. O'Hare, Alternate, sitting for Dominic M. Palumbo

**MEMBERS ABSENT:**

Dominic M. Palumbo, Chairman  
Antoinette Carmody, Alternate  
John H. Vanacore, Alternate

**OTHERS PRESENT:**

Alan A. Fredricksen, Land Use Administrator  
Jonathan Bodwell, Town Engineer  
Mary Lee Rydzewski, Public Stenographer  
Sandra Lion, Clerk

**AGENDA:**

Mr. Giulietti, Acting Chairman, called the meeting to order at 7:07 PM. He introduced the Commissioners, alternates, town staff and the clerk. Mr. Giulietti then explained the procedure for the public hearing. Mr. Roberts asked if there were any changes to the agenda. Mr. Fredricksen, Land Use Administrator, stated that there were none.

**PUBLIC HEARINGS:**

Mr. Roberts read the call for the first Public Hearing.

1. #P09-33 Application of Steven M. Wolk, Applicant, proposed amendment to the North Haven Zoning Regulations, to add Section 4.4.1.38, to permit other art studios for the creation and instruction of fine and commercial art forms including painting, illustration, sculpture, limited edition fine art printing, graphic arts, multimedia, and dermagraphics in CB Zoning Districts. The proposed amendment is on file in the Land Use Office and the Office of the Town Clerk.

The applicant was not present so this application was continued to the November 9, 2009 meeting.

Mr. Roberts read the call for the second Public Hearing.

The Commission elected to hear applications #P09-34S, #P09-34 & P09-34A together.

2. #P09-34S Special Permit Application (as authorized by Sections 5.2.1.53 & 5.2.1.55) of Metal Management Northeast, Inc. Owner and Applicant, relative to 234 Universal Drive, (Map 6, Lot 1). Plan Entitled: Metal Management Northeast Inc., Vehicle Processing Building, 234 Universal Drive, North Haven, Connecticut, 06473. Prepared by Salient Architects, Dated 9/8/09. Scale 1" = 60'. IG-80 Zoning District.
4. #P09-34 Site Plan Application of Metal Management Northeast, Inc. Owner and Applicant, relative to 234 Universal Drive, (Map 6, Lot 1). Plan Entitled: Metal Management Northeast Inc., Vehicle Processing Building, 234 Universal Drive, North Haven, Connecticut, 06473. Prepared by Salient Architects, Dated 9/8/09. Scale 1" = 60'. IG-80 Zoning District.
5. #P09-34A CAM Plan Application of Metal Management Northeast, Inc. Owner and Applicant, relative to 234 Universal Drive, (Map 6, Lot 1). Plan Entitled: Metal Management Northeast Inc., Vehicle Processing Building, 234 Universal Drive, North Haven, Connecticut, 06473. Prepared by Salient Architects, Dated 9/8/09. Scale 1" = 60'. IG-80 Zoning District.

Attorney Marjorie Shansky presented these applications to permit the construction of a new 1200 square foot vehicle processing building located in the middle of the site. The Special Permit application is in accordance with Sections 5.2.1.53 & 5.2.1.55 for the expansion of these uses. The site falls within the CAM Boundary, necessitating the CAM application. Landscaping improvements required as a part of application #P09-13 have been installed in the northeast corner of the property.

Mr. Barry Hammons, engineer, discussed flood control and water quality then further described the site. Mr. David Barber, architect, described the proposed building and Mr. Joseph Caruso with Simms Metal Management, explained how the vehicle processing system operates. The Commission asked a few questions and Attorney Shansky and Mr. Caruso responded.

Mr. Giulietti asked for public comment.

There being no public comment; the public hearing was closed.

**BREAK:** 8:01 – 8:12 PM

Mr. Roberts read the call for the third Public Hearing.

The Commission elected to hear applications #P09-35S & #P09-35 together.

3. #P09-35S Special Permit Application (as authorized by Section 5.1.1.65) of SRJ Holdings, LLC, Applicant and Owner, relative to 50 Leonardo Drive, (Map 59, Lot 23). Plan Entitled: Improvement Location Survey, Existing Site Conditions and Proposed Building Addition, Land n/f SRJ Holdings, LLC, #50 Leonardo Drive, North Haven, Connecticut, Prepared by Winterbourne Land Services, Dated March 20, 2009, rev. 8/4/09. Scale 1" = 40'. IL-80 Zoning District.
6. #P09-35 Site Plan Application of SRJ Holdings, LLC, Applicant and Owner, relative to 50 Leonardo Drive, (Map 59, Lot 23). Plan Entitled: Improvement Location Survey, Existing Site Conditions and Proposed Building Addition, Land n/f SRJ Holdings, LLC, #50 Leonardo Drive, North Haven, Connecticut, Prepared by Winterbourne Land Services, Dated March 20, 2009, rev. 8/4/09. Scale 1" = 40'. IL-80 Zoning District.

Attorney Timothy Lee presented these applications to permit the change of use of 3,000 square feet of existing office space to an adult rehabilitative and educational facility, in accordance with Section 5.1.1.65 of the regulations as approved by the Commission on August 3, 2009 (P09-22). The Special Permit application was also a requirement of the approved amendment.

Hours of operation for approximately twenty clients will be from 9:00 a.m. to 3:00 p.m. with five staff members working from 8:00 a.m. to 5:00 p.m. Attorney Lee submitted a letter from the Institute of Professional Practice, Inc., Exhibit A. He stated that there will be a fenced in picnic area so there is no need for sidewalks. The Commission feels this site has not been improved since the last meeting and may not be suitable for this type of practice. Mr. Fredricksen responded to the Commission's concerns.

Mr. Giulietti asked for public comment.

There being no public comment; the public hearing was closed.

#### **DELIBERATION SESSION:**

Mr. Carlson moved to go into deliberations; Mr. Cummings seconded the motion. All were in favor.

## **PUBLIC HEARINGS:**

2. #P09-34S Special Permit Application (as authorized by Sections 5.2.1.53 & 5.2.1.55) of Metal Management Northeast, Inc. Owner and Applicant, relative to 234 Universal Drive.

Mr. Carlson moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare – aye

The application was approved.

3. #P09-35S Special Permit Application (as authorized by Section 5.1.1.65) of SRJ Holdings, LLC, Applicant and Owner, relative to 50 Leonardo Drive.

Mr. Carlson moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti – aye Roberts - aye Carlson – aye Cummings – aye O'Hare – aye

The application was approved.

## **SITE PLANS:**

4. #P09-34 Site Plan Application of Metal Management Northeast, Inc. Owner and Applicant, relative to 234 Universal Drive.

Mr. Carlson moved to approve the application; Mr. Cummings seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare -aye

The application was approved with appropriate conditions.

5. #P09-34A CAM Plan Application of Metal Management Northeast, Inc. Owner and Applicant, relative to 234 Universal Drive.

Mr. Carlson moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare -aye

6. #P09-35 Site Plan Application (as authorized by Section 5.1.1.65) of SRJ Holdings, LLC, Applicant and Owner, relative to 50 Leonardo Drive.

Mr. Carlson moved to approve the application; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare -aye

The application was approved with appropriate conditions.

**OTHER:** None

**INFORMAL PRESENTATION:** None

**EXTENSIONS:**

#P05-74, 144D & 146 Washington Avenue

Attorney Jim Strub presented the extension request and explained why it should be granted. He stated that this is a standard request that has been unanimously granted in the past. He then submitted Exhibits A-G. Mr. Giulietti responded to Attorney Strub's comments, and posed a series of questions, to which Attorney Strub responded.

Mr. Carlson moved to deny a six (6) month extension for application #P05-74, 144D & 146 Washington Avenue; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare –aye

The Commission stated the following reasons for the denial:

1. The Regulations state that the Commission *may* grant, not *shall* grant an extension, and it is the Commission's right to make the decision they feel is most appropriate for the Town.
2. The Commission feels it is not appropriate to grant this extension because one year was given to comply with the required conditions of approval. Also, only a very limited explanation was given as to why they didn't comply within one year.
3. The new statute, cited by Attorney Strub, doesn't apply to the building permit procedure.
4. This type of business is not in best interests of the community and per the Town's Plan of Conservation & Development, the Town is trying to improve this area.

#P06-31, 320 Kings Highway

Mr. Roberts read into the record a letter from Alice McMahon, applicant, dated October 1, 2009 requesting a 90 day extension. The applicant was not present.

Mr. Carlson moved to deny a ninety (90) day extension for application #P06-31, 320 Kings Highway; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts - aye Carlson – aye Cummings – aye O'Hare –aye

The Commission stated the following reasons for the denial:

1. No reason was given for requesting an extension.

**BOND RELEASES & REDUCTIONS:** None

**CHANGE OF USE:** None

**CORRESPONDENCE:** College of Agriculture & Natural resources Journal,  
Summer/Fall 2009  
Connecticut Siting Council - Public Hearing Notice for  
for the construction, maintenance and operation of a  
telecommunications facility located at 50 Divine Street.

**MINUTES:**

September 14, 2009

Mr. Cummings moved to approve the minutes of the September 14, 2009 meeting; Mr. Roberts seconded the motion. The Commission voted as follows:

Giulietti - aye Roberts – aye Carlson –aye Cummings – aye O’Hare – aye

**GENERAL PUBLIC COMMENT:** There was no public comment.

**ADJOURN:**

There being no further business, Mr. Roberts moved to adjourn; Mr. Carlson seconded the motion. The meeting was adjourned at 9:07 PM.